

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

**THE BANK OF NEW YORK MELLON
f/k/a THE BANK OF NEW YORK, AS
TRUSTEE FOR FIRST HORIZON
ALTERNATIVE MORTGAGE
SECURITIES TRUST 2004-AA5,**
Plaintiff

v.

CASE No. 17-cv-00031-WES-PAS

**CHRISTOPHER PEMENTAL,
BARRINGTON HISTORICAL
SOCIETY, LLC and all other unknown
successors, assigns or distributees of
BARRINGTON HISTORICAL
SOCIETY, LLC,**
Defendants

/

**PLAINTIFF'S LIMITED OBJECTION TO JOHN ENNIS' MOTION TO WITHDRAW
AS ATTORNEY**

Now comes the Plaintiff, The Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the First Horizon Alternative Mortgage Securities Trust 2004-AA5 ("Plaintiff") and files this limited objection to the Motion to Withdraw as counsel filed by John Ennis on April 11, 2024 [doc. 71]. In support of its limited objection, Plaintiff states the following:

The subject property located at 66-68 County Road, Barrington, RI (the "Property") is currently under a new contract for sale with a projected closing date of May 20, 2024. Probate Attorney Paul Silva has provided a copy of the new Purchase and Sales Agreement to undersigned counsel on April 23, 2024 and the sales price should be sufficient to pay off the obligation owed to the Plaintiff, without the need for a short sale negotiation/approval process. As of this writing, Attorney Silva advised that he did not receive Mr. Ennis' motion to withdraw from this case (other than by undersigned counsel providing a copy via email). He also advised that Sheila Pemental

was residing at 70 Richmond Street, Bristol, RI and not at the address recited in Mr. Ennis' motion of 1 Second Street, Portsmouth, RI and thus it was unknown if she received Mr. Ennis' motion.

Should the sale of Property be completed, undersigned counsel needs Mr. Ennis to remain in this case to execute a Stipulation of Dismissal. Should the sale of the Property not be completed next month, Plaintiff will file a Motion to Substitute Defendant/Mortgagor for the Custodian/Administratrix and serve the new party. Due to the unusual circumstances surrounding this matter, Mr. Ennis should remain in this case until such time as a Motion to Substitute Defendant/Mortgagor for the Custodian/Administratrix is granted.

Dated: April 23, 2024

Respectfully Submitted,

The Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the First Horizon Alternative Mortgage Securities Trust 2004-AA5,
By its Attorney,

/s/ Catherine V. Eastwood
Catherine V. Eastwood, Esq., RI# 6406
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CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2024, the foregoing document was filed through the electronic filing system with electronic service completed on all parties registered therein to receive notice and that any non-registered attorneys or parties have been served in accordance with the Federal Rules of Civil Procedure.

The document electronically filed and served is available for viewing and/or downloading from the United States District Court for the District of Rhode Island's Electronic Case Filing System.

/s/ Catherine V. Eastwood
Catherine V. Eastwood, Esq., RI# 6406